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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,274	12/22/2005	Robert Albertus Brondijk	NL030737	6571
24737 7590 07/31/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER BUTCHER, BRIAN M				
ART UNIT 2627		PAPER NUMBER		
MAIL DATE 07/31/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,274

Applicant(s)

BRONDIJK ET AL.

Examiner

BRIAN BUTCHER

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 8 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1 - 8 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 03 November 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue (United States Patent US 6,151,286), hereinafter referenced as Inoue, in view of Hitotsui (United States Patent Application Publication US 2002/0021629 A1), hereinafter referenced as Hitotsui.

Regarding **claim 1**, Inoue discloses a recording method and apparatus for recording compressed audio data on a magneto-optical disc which reads on the recorder claimed. Inoue discloses "A recorder for recording information on a [] recording medium" (column 1, lines 52 - 54 'a recording method and apparatus whereby, in recording compressed audio data on a magneto-optical disc'), "a writer controlled by a processor" (See figure 11, items 11 and 20 (The main controller 11 controls the recording unit 20.) and column 5, 47 - 50 'the main controller 11 of the audio transfer unit 10 furnishes audio data of the contents designated by the user from among the contents stored in the server 12 to the recording unit 20'), "wherein the processor is operative to perform an update of a recorded area indicator on the []

recording medium in response to an update command" (column 12, lines 40 - 47 'The TOC0 information command (TOC0inf) is a command specifying the information recorded in the U-TOC sector 0 of the optical disc D. On reception of the TOC0 information command (TOC0inf) and the information on the track size and track mode next to the command, the recording unit 20 finds the recorded start and end addresses of the ATRAC data from the track size to record the TOC data in the U-TOC' (The TOC0 information command (update command) results in the TOC data being written in the U-TOC (recorded area indicator).). However, Inoue fails to disclose that the recording medium is a "write once recording medium" and that an update command is "provided by a user of the recorder". Inoue discloses that the recording medium D is a magneto-optical disc (column 6, lines 1 - 3 'This magneto-optical disc, termed the so-called mini-disc, is herein after referred to simply as an optical disc D'), which is a rewritable disc being capable of a single write operation or multiple cycles of re-recording.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the recording method and apparatus of Inoue to include recording on a write once medium because one having ordinary skill in the art would want to record once and maintain that one time recording as a record.

In a similar field of endeavor, Hitotsui discloses a recording/playback apparatus and editing method in which the updating of a R-TOC is made in response to an editing command issued from a user (paragraph [0326], line 5 (of paragraph) through paragraph [0327], line 5).

Therefore, it would have been obvious to one having ordinary skill in the art to modify the recording apparatus of Inoue by specifically using the teachings in Hitotsui to provide a command that is issued from a user that is ultimately responsible for the updating of a R-TOC (recorded area indicator) because one having ordinary skill in the art would want to update a management area in response to an editing operation.

Regarding **claim 3**, Inoue and Hitotsui, the combination of hereinafter referenced as IH, disclose everything claimed as applied above (see claim 1). Specifically, see the argument of claim 1 in regard to the combination of the recording method/apparatus of Inoue and the recording/playback apparatus/ editing method of Hitotsui meeting the limitations of the apparatus in claim 1. Furthermore, notice that the argument applied to the apparatus of claim 1 applies to the method of claim 3 in that the combination of Inoue and Hitotsui performs the method of claim 3.

Regarding **claim 6**, IH disclose everything claimed as applied above (see claim 1), in addition, Hitotsui discloses where the R-TOC is stored into a buffer memory 42, the R-TOC is updated in the buffer memory after an edit command, and the updated R-TOC is recorded back into the management area on the disc (see figure 21).

Therefore, it would have been obvious to modify the recording apparatus of Inoue by specifically using the teachings in Hitotsui to maintain a R-TOC (recorded area indicator) in the memory of a recorder and then store the updated R-TOC to the management area of a recording medium because one having ordinary skill in the art would want to reduce physical access of the recording medium due to power management.

Regarding **claim 8**, IH disclose everything claimed as applied above (see claims 3 and 6). Specifically, see the previous argument with respect to claim 3 and see the argument of claim 6 with respect to IH meeting the limitations of the apparatus of claim 6. Furthermore, notice that the argument applied to the apparatus of claim 6 applies to the method of claim 8 in that the combined apparatus of IH performs the method of claim 8.

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue, in view of Hitotsui, and further in view of Suzuki (United States Patent US 6,198,708 B1), hereinafter referenced as Suzuki.

Regarding **claim 2**, IH disclose everything claimed as applied above (see claim 1), however, IH fail to disclose "wherein the update command is a close track/session command".

In a similar field of endeavor, Suzuki discloses a disk driving device for rewritable disc which writes or updates the TOC information in response to the execution of a session-close command (column 3, lines 21 - 25 'The operation for closing the session and writing TOC information is called a session-close. After the session-close is executed, the data which has been already written, can be read by the CD-ROM driving device').

Therefore, it would have been obvious to modify the recording method and apparatus of Inoue by specifically using the teachings in Suzuki to include an "update command [being] a close track/session command" because one would want to be able

to read the recording medium with a playback device (Suzuki, column 3, lines 21 - 25 'The operation for closing the session and writing TOC information is called a session-close. After the session-close is executed, the data which has been already written, can be read by the CD-ROM driving device').

Regarding **claim 4**, IH and Suzuki disclose everything claimed as applied above (see claims 3 and 2). Specifically, see the previous argument with respect to claim 3 and see the argument of claim 2 with respect to IH and Suzuki meeting the limitations of the apparatus of claim 2. Furthermore, notice that the argument applied to the apparatus of claim 2 applies to the method of claim 4 in that the combined apparatus of IH and Suzuki performs the method of claim 4.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue, in view of Hitotsui, and further in view of Fujisawa et al. (United States Patent Application Publication US 2001/0007544 A1), hereinafter referenced as Fujisawa.

Regarding **claim 5**, IH disclose everything claimed as applied above (see claim 1), however, IH fail to disclose "wherein in response to the updated command . . . in the track or in the session".

In a similar field of endeavor, Fujisawa discloses a dubbing apparatus and dubbing method in which the U-TOC of a MD is updated to turn a partially recorded area of a current track which is erased into a 'free area' which allows the track to remain open for future recording (paragraph [0283] through [0284]).

Therefore, it would have been obvious to modify the recording method and apparatus of Inoue by specifically using the teachings in Fujisawa to update a U-TOC (recorded area indicator) without closing a track for future recording because one would want to utilize a management area to indicate the free recordable area of a current track.

Regarding **claim 7**, IH and Fujisawa disclose everything claimed as applied above (see claims 3 and 5). Specifically, see the previous argument with respect to claim 3 and see the argument of claim 5 with respect to IH and Fujisawa meeting the limitations of the apparatus of claim 3. Furthermore, notice that the argument applied to the apparatus of claim 3 applies to the method of claim 7 in that the combined apparatus of IH and Fujisawa performs the method of claim 7.

Response to Arguments

Applicant's arguments with respect to claims 1 - 8 have been considered but are moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN BUTCHER whose telephone number is (571)270-5575. The examiner can normally be reached on Monday – Friday from 6:30 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young, can be reached at (571) 272 - 7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/BMB/
July 30, 2009

/Wayne Young/
Supervisory Patent Examiner, Art Unit 2627